IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.1044 OF 1997

M/s.Paper Chase International ..Petitioners

Versus

B.K.Paper Mills Limited ..Respondent Co.

Mr.V.N.Kantawala i/by Kantawala & Co. for the petitioners.

None for the respondent-company.

Coram : R.S.Mohite,J

Date : 17.08.2006.

PC

1. This is a petition for winding up of the company B.K.Paper Mills Ltd. It is the case of the petitioners that by 3 intents entered into through M/s.Jiwani Paper International and the petitioners agreed to sell approximately 220 MT of waste paper of different types. Pursuant to the entering into the contract between petitioners and the company, petitioners sold and supplied goods under 7 invoices. A total quantity of 155.28 MT of goods were accepted by the company without any protest or demur as regards quality or quantity. The goods were utilised by the company for their business activities but inspite of extension of credit period and inspite of demands both oral and by letters sent from time to time to remit the

outstanding amount, company failed and neglected to pay the outstanding amount towards the goods supplied to the company. Total amount due was US $ 63,373.58/- and company are liable to pay interest @ 24% p.a. after the credit period. By their letter dated 4.10.1996 which is annexed to the petition company admitted their liability to make the payment. Ultimately, statutory notice was given on 7.7.1997. The same was duly served. As payment was not made, winding up petition was filed with the claim of Rs.22,80,181.40 which was the converted amount from the due USD. No reply has been filed on behalf of the respondents till today. In fact, Advocate for the respondents obtained chamber orders for discharge. In the circumstances, petition is made absolute in terms of prayer clauses-(a) and (b).

(R.S.Mohite,J)